

COLORADO STATE BOARD OF PHARMACY
April 15, 2010

Minutes

The Colorado State Board of Pharmacy meeting was convened by President Rich Doyle, R.Ph., at approximately 8:30 a.m. on Thursday, April 15, 2010 at 1560 Broadway, Conference Room 1550 (Large), Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph., Jeannine G. Dickerhofe, R.Ph., Rich Doyle, R.Ph., Leonard L. Hierath, P.E., Paul Limberis, R.Ph., and Averil Strand, R.N.

Staff members attending were Wendy Anderson, R.Ph., Program Director; Chief Inspector, Chris Gassen, R.Ph.; Susan Martin, R.Ph., Inspector; Mark O'Neill, R.Ph., Inspector; and Lisa Cornett, R.Ph., Inspector. Also present was Jo Kaye, Assistant Attorney General, and Jack Wesoky, Senior Assistant Attorney General, to advise the Board.

APPROVAL OF MINUTES

The Board approved the minutes from the February 18, 2010 meeting as amended.

ADDITIONS TO THE AGENDA

A revised agenda was made available to the public at this meeting to reflect any additions.

APPEARANCES

Ellen K. Graham, Policy Analyst for the Office of Policy Research and Regulatory Reform at the Colorado Department of Regulatory Agencies, advised the Board regarding the Sunset review process for Colorado's Electronic Prescription Drug Monitoring Program (PDMP).

HEARINGS

None

REPORTS

President's Remarks

None

Program Director's Report

Ms. Anderson requested that the Board consider proposed amendments to Board Policy 10-1 regarding the initiation of 30-day letters upon the receipt of specific types of information. After consideration of available information, the Board voted to accept the proposed amendments.

Ms. Anderson requested that the Board consider proposed amendments to Board Rule 5.01.31 regarding requirements for refrigerator and freezer monitoring in prescription drug outlets, as well as proposed amendments to Board Rule 5.01.50 regarding the clarification of security requirements of compounding / dispensing areas in prescription drug outlets.

The Board voted to move the proposed amendments to both Board Rules 5.01.31 and 5.01.50 to a future rules hearing.

Colorado Pharmacists Society (CPS) – Rich Doyle, RPh

CPS is partnering with the 9 Health Fair on April 17-25, 2010. Information was provided as to how interested individuals could volunteer.

The CPS Annual Summer Meeting will be held on June 17-19, 2010 in Estes Park. Ten hours of continuing education will be offered. The program topics will include: drug therapy management for diabetes; pain; osteoporosis; an OTC update; Medicaid; and legislative update.

The Colorado Department of Public Health and Environment (CDPHE), CPS and a consortium of concerned organizations have launched a pilot program offering a secure and environmentally responsible way for people to dispose of unwanted medicines. Tamper-resistant collection boxes are now available at locations around the Denver metro area, including several King Soopers stores, two Tri-County Health Department offices and Denver Health. Curbside Inc., a waste-management firm, has installed secure collection boxes to collect and dispose of the waste medicines. Through April 10th, Curbside Inc. has collected over 1,400 pounds of materials. Collected survey cards regarding the program continue to give the program high ratings.

Planning has begun for the CPS Annual Fall Meeting scheduled for October 14-16, 2010 at the Doubletree Hotel - Denver Technology Center. Twelve hours of continuing education will be offered. Details will be posted on the CPS website.

Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

Mr. Limberis gave the report. The GEEERC met on Thursday, April 1, 2010 at the Colorado Department of Public Health & Environment (CDPHE). Both Mr. Limberis, committee member, and Ms. Dickerhofe, functional backup, attended.

Topics discussed included the following:

1. 2009 H1N1 Influenza Public Health Response update: Funding has reached \$23 million to local Colorado public health departments. Colorado led the nation in providing these resources in a very timely manner to the local health departments. While vaccinations of pediatric patients in Colorado is in the middle of the national rankings, adult vaccinations came in at the top of the rankings. Colorado has been chosen, along with nine other states, to attend a national meeting on April 26, 2010. So far, 1.6 million doses have been provided to 1,500 providers.
2. Statewide Project – Public Health Ready (PPHR) update: This tool assesses the state and local public health department's preparedness. The three areas addressed include: 1) planning; 2) work force deployment; and 3) exercise/real events. For 2010-2011, all of the local agencies will be working on their PPHR. If Colorado remains on track with this program, it could be the first state to be acknowledged by the Centers for Disease Control and Prevention (CDC) to have every local public health department recognized by the CDC.

3. National Disaster Management System Exercise: An exercise is planned for April 14, 2010, to use the emergency medical system for relocation of patients landing at Denver International Airport. Patients will be matched to available facilities for admission as a method for testing this system.
4. Social Media for Emergency Preparedness. A presentation was made demonstrating that Twitter is currently the most prolific means of information sharing. Testing these systems continues at CDPHE.

Intern & School Relations – Jeannine Dickerhofe, RPh

Dr. Catherine Jarvis, Assistant Dean of the University of Colorado Denver School of Pharmacy, reported that the pharmacy school received approximately 900 applicants for 160 available positions for the Fall 2010 incoming class. In addition, the school is currently working to following up on recommendations that resulted from a site visit from the Accreditation Counsel for Pharmacy Education (ACPE) last fall.

Dr. Lane Bruner, Dean of the Regis University School of Pharmacy, reported that the pharmacy school is in the process of completing its second semester and that it received approximately 1,100 applicants for 75 available positions for the Fall 2010 incoming class. The school is in the process of interviewing candidates for six open faculty positions. In addition, the school will hopefully receive ACPE accreditation candidate status by June 2010.

Legislation - Jeannine Dickerhofe, RPh.

She reported on the following:

- HB 1216 – Pharmacists Administering Drugs
- SB 117 – Medicaid over-the-counter Medicines
- HB 1201 – Insurance Coverage Chemotherapy Treatment
- SB 115 – Licensed Facilities May Donate Unused Medications

Inspectors

Walgreen Pharmacy # 10118, PDO 788

Ms. Martin discussed with the Board the results of a recent controlled substance audit by Board staff that occurred at Walgreen Pharmacy # 10118.

After consideration of available information, the Board directed its staff to initiate separate complaints against the prescription drug outlet registration of Walgreen Pharmacy # 10118 and against the pharmacist licenses of Gary Nephew (RPH 18350) and Jordan Bendinelli (RPH 17702), the former and current pharmacist managers of Walgreen Pharmacy # 10118, respectively.

Gulf Coast Pharmaceuticals, Inc., WHO 7471

Ms. Anderson advised the Board of actions taken against Gulf Coast Pharmaceuticals, Inc. ("Gulf Coast"), WHO 7471. The Verified-Accredited Wholesale Distributors (VAWD) program temporarily suspended Gulf Coast's participation in the program effective April 8, 2010. In addition, Gulf Coast entered into an Agreed Order with the Oklahoma State Board of Pharmacy effective January 15, 2010.

The Board voted unanimously to refer this matter to executive session for legal advice.

After executive session, the Board directed its staff to initiate a complaint against Gulf Coast based upon its temporary suspension from participation in the VAWD program and its failure to timely notify the Board of both this VAWD action and the Agreed Order it had entered into with the Oklahoma State Board of Pharmacy.

OLD BUSINESS

Complaints

Cases 2010-0465 and 2010-1096

The Board reviewed additional information provided by Estes Park Medical Center (OO 134) pertaining to Cases 2010-0465, 2010-1096 and Bryan R. Helstad (RPH 11549).

The Board voted to table these matters pending additional information.

Stipulations

Teresa B. Buschmann, RPH 17826

The Board reviewed an Agenda Memorandum from Board staff member Tia Johnson regarding Ms. Buschmann's request to become either a pharmacist manager of a Board-registered prescription drug outlet or a consultant pharmacist at a long-term care facility.

After consideration of available information, the Board denied Ms. Buschmann's request to be a pharmacist manager of a prescription drug outlet. The Board directed its staff to notify her that she could be a consultant pharmacist at a long-term care facility.

Byron J. Padilla, RPH 16516

The Board reviewed an Agenda Memorandum from Ms. Johnson regarding Mr. Padilla's request for employment at a drug manufacturer to count toward his probationary requirements with the Board.

After consideration of available information, the Board voted to deny Mr. Padilla's request.

Daniel L. Wylie, RPH 15265

The Board reviewed an Agenda Memorandum from Ms. Johnson regarding Mr. Wylie's request for an extension of time to take and pass the Multistate Jurisprudence Examination (MPJE) and for funding from the Board to register for the MPJE.

After consideration of available information, the Board voted to extend the period of time for Mr. Wylie to take and pass the MPJE to September 14, 2010. The Board however voted to deny his request for funds to register for this examination.

Walgreen Pharmacy # 07138, PDO 658

The Board reviewed a policy and procedure manual that Walgreen Pharmacy # 07138 had submitted to the Board. As a requirement of a stipulation the pharmacy had entered into with the Board, the manual was to address the manner in which the pharmacy verified the Board-licensing status of pharmacy interns and relief personnel.

After review of the submitted manual and the stipulation, the Board voted to deny acceptance of the manual because it did not address pharmacy interns or relief personnel. The Board further ordered Walgreen Pharmacy # 07138 to resubmit a revised manual within 30 days.

Miscellaneous

Drug Advertising

The Board reviewed a response it had requested from King Soopers, as well as an additional response from the Kroger Company, regarding a concern the Board had previously received from a physician pertaining to the drug advertising practices utilized by King Soopers.

The Board voted unanimously to refer this matter to executive session for legal advice.

After executive session, the Board voted to direct its staff to send correspondence to King Soopers advising the company that its advertising practices shall comply with Colorado law and that such practices shall not be misleading, deceptive, or false.

Request from Patricia Lanius, R.Ph.

Mr. Limberis recused.

The Board reviewed a request from Ms. Lanius to return to a pharmacy, for the purpose of redispensing, prescriptions that were previously dispensed and delivered to Denver-area Other Outlets.

After consideration of available information, the Board unanimously voted to deny the request.

Update Regarding the Rule's Committee's Progress with Automated Cassettes (Board Rule 3.01.20 through 3.01.27) & Returned-to-Stock Prescriptions (Board Rule 3.00.86)

Ms. Dickerhofe recused.

Ms. Anderson advised the Board that the committee met again on April 8, 2010 to discuss the issue of returning the contents of returned-to-stock prescriptions into automated cassettes. While no decision was made on this issue, a site visit at a local pharmacy was

part of the April 8 meeting. Committee members were able to physically view an automated dispensing process and its potential application to returned-to-stock prescriptions. The committee determined that further research is needed before a final recommendation to the Board is made.

NEW BUSINESS

Complaints

Ann M. Alexander, RPH 17570 **2010-2925**

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Ray W. Bortz, RPH 13156 **2010-2658**

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

Thomas H. Brady, RPH 11381 **2010-2429**

Ms. Dickerhofe recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Amanda M. Clark, RPH 18519 **2010-2921**

The Board voted unanimously to dismiss this case as being without merit.

Glenn R. Kruk, RPH 12225 **2010-2652**

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Ronald E. Lidderdale, RPH 12456 **2010-2659**

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Charles S. Lyon, RPH 15774 **2010-2527**

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

William McAuliff, RPH 9965 **2010-2657**

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Petmed Express, Inc, OSP 5087

2010-2932

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Pharmacy 18, Inc., OSP 5490

2010-2934

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

Lemlem Yohannes, RPH 15572

2010-2275

Ms. Arceneaux recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss this case as being without merit.

Tania M. Young, RPH 15896

2010-2330

Ms. Dickerhofe recused.

The Board voted unanimously to dismiss this case as being without merit.

Walgreen Pharmacy # 3207, PDO 119-19

2010-1087

Mr. Doyle and Ms. Dickerhofe recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss this case as being without merit. However, the Board also voted unanimously to issue Walgreen Pharmacy # 3207 a letter of guidance reminding it of the importance of using Medication Guides. In addition, the Board voted unanimously to issue the Walgreen Company a letter reminding it of the importance of using Medication Guides at all of its Colorado prescription drug outlets.

Gerald J. Young, Jr., RPH 10330

2010-2322

Mr. Doyle and Ms. Dickerhofe recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss this case as being without merit.

Gerald J. Young, Jr., RPH 10330

2010-2949

Mr. Doyle and Ms. Dickerhofe recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss this case as being without merit.

Joshua J. Benkers, RPH 18339 **2010-1448**

Mr. Doyle and Ms. Dickerhofe recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss this case as being without merit.

Bruce J. Dickerhofe, RPH 16329 **2010-2321**

Mr. Doyle and Ms. Dickerhofe recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss this case as being without merit.

Stacy L. Osmun, RPH 13417 **2010-2323**

Mr. Doyle and Ms. Dickerhofe recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss this case as being without merit.

Julie A. Sveum, RPH 15437 **2010-2324**

Mr. Doyle and Ms. Dickerhofe recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss this case as being without merit.

Bich-Van N. Truong, RPH 17239 **2010-2325**

Mr. Doyle and Ms. Dickerhofe recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted unanimously to dismiss this case as being without merit.

LICENCING/REGISTRATION

Harry L. Doelee, Pharmacist Applicant

The Board reviewed an Agenda Memorandum from Ms. Johnson and voted unanimously to approve the application.

Roy D. Katz, Pharmacist Applicant

The Board reviewed an Agenda Memorandum from Ms. Johnson and voted unanimously to refer the matter to executive session for legal advice.

After executive session, the Board voted unanimously to deny the application.

Robert B. Boardman, RPH 8435, Pharmacist Renewal Applicant

The Board reviewed an Agenda Memorandum from Ms. Johnson and voted unanimously to refer the matter to executive session for legal advice.

After executive session, the Board voted unanimously to issue Mr. Boardman an Order for Evaluation Pursuant to CRS 12-22-605(3). In addition, the Board voted unanimously to initiate a complaint against Mr. Boardman's pharmacist license.

Scott A. Effinger, RPH 14981, Pharmacist Renewal Applicant

The Board reviewed an Agenda Memorandum from Ms. Johnson and determined that no further action was warranted.

Carl Pansini, RPH 11097, Pharmacist Renewal Applicant

Ms. Dickerhofe and Mr. Limberis recused.

The Board reviewed an Agenda Memorandum from Ms. Johnson and determined that no further action was warranted.

Bonnie R. Salas, RPH 16894, Pharmacist Renewal Applicant

The Board reviewed an Agenda Memorandum from Ms. Johnson and voted unanimously to initiate a complaint against Ms. Salas' pharmacist license.

Ronald M. Simones, RPH 14432

The Board reviewed an Agenda Memorandum from Ms. Johnson and determined that no further action was warranted.

John C. Taylor, RPH 9275

The Board reviewed an Agenda Memorandum from Ms. Johnson and voted unanimously to initiate a complaint against Mr. Taylor's pharmacist license.

MISCELLANEOUS

Correspondence, etc.

Affiliated Monitors, Inc., Vincent L. DiCianni, President

The Board reviewed information from Affiliated Monitors, Inc. and noted the information.

Cardinal Health, WHO 7610

The Board reviewed an Agenda Memorandum from Ms. Johnson and determined that no further action was warranted.

Caremark, OSP 5524

The Board reviewed an Agenda Memorandum from Ms. Johnson and determined that no further action was warranted.

CVS Caremark Mail Order Pharmacy, OSP 5502

The Board reviewed information submitted by CVS Caremark Mail Order Pharmacy and voted unanimously to initiate a complaint against the non-resident prescription drug outlet registration of this registrant. In addition, the Board voted unanimously to refer the matter to the Florida Board of Pharmacy.

Feinberg Researchers Simplify Dangerously Confusing Warnings on Prescription Bottles

The Board noted the information.

Liberty Healthcare Pharmacy of Nevada, LLC, OSP 5679

The Board reviewed an Agenda Memorandum from Ms. Johnson and determined that no further action was warranted.

Medco Health Solutions of Las Vegas, Inc., OSP 5021

The Board reviewed an Agenda Memorandum from Ms. Johnson and noted the information.

NextRx, LLC, OSP 5117

The Board reviewed an Agenda Memorandum from Ms. Johnson and unanimously voted to remove from its records the 14-day letter previously issued to NextRx, LLC.

NABP – Report of the Task Force on Electronic Prescribing Software Standards & Data Storage

The Board noted the information.

Request for Change to Board Rule 5.01.31(a) from Amy Hurwitch, Pharmacy Director, St. Anthony Summit Medical Center

After review of the available information, the Board unanimously voted to deny Ms. Hurwitch's request to reduce the minimum required square footage of a pharmacy satellite.

EXECUTIVE SESSION

At 12:50 p.m. Board President Rich Doyle moved that that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with five votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 4:03 p.m.

Open Session

Case 2010-2951

The Board voted unanimously to refer this case for discipline.

Case 2010-2887

The Board voted unanimously to rescind its previous referral of this case for discipline, dismiss the case with a letter of guidance, and issue a 14-day letter.

Case 2010-3072

The Board voted unanimously to rescind its previous referral of this case for discipline, dismiss the case with a letter of guidance, and issue a 14-day letter.

Farideh Zangani, RPH 13559

Ms. Dickerhofe recused.

The Board found that the public health, safety, or welfare imperatively required emergency action and voted to summarily suspend Ms. Zangani's pharmacist license should she fail to enter into an interim cessation of practice agreement with the Board within 10 business days.

Wendell Almeida, RPH 11053

The Board voted unanimously to initiate a complaint against Mr. Almeida for failing to comply with the terms of his contract with Peer Assistance Services.

PAS # 11801

The Board voted unanimously to allow this Pharmacy Peer Health Assistance Diversion Program participant to return to the practice of pharmacy.

Case 2010-2347

The Board voted unanimously to dismiss this case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2010-2650

The Board voted unanimously to dismiss this case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2010-2651

The Board voted unanimously to dismiss this case as being without merit.

Case 2010-2656

The Board voted unanimously to dismiss this case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2010-2948

The Board voted unanimously to dismiss this case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2009-1743

The Board voted unanimously to rescind its previous referral of this case for discipline and to dismiss the case.

ADJOURNMENT

The Board adjourned at approximately 4:10 p.m.

Pharmacy Board Minutes
April 15, 2010

Approved by Rich Doyle, R.Ph., President Date: May 20, 2010